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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

11 MIRYAM ABITBOL, individually and  
12 on behalf of all others similarly situated,

Case No. 2:24-cv-08132-FLA-BFM

13 *Plaintiff,*

14 *v.*

16 CURRENT ENERGY LLC

17 AND

19 KEVIN ADAMS

20 *Defendants.*

22 **STIPULATION TO EXTEND TWO PRETRIAL DATES FOR THE**  
23 **HEARING OF MOTIONS TO: (1) AMEND PLEADINGS OR ADD**  
24 **PARTIES; AND (2) CLASS CERTIFICATION**

25 Plaintiff Miryam Abitbol (“Plaintiff”) and Defendants Current Energy LLC  
26 and Kevin Adams (“Defendants”) submit this Stipulation to extend time with respect  
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1 to two pretrial deadlines set by Order dated February 3, 2025 (Dkt. 34, Page ID 195),  
2 understanding the stipulation is not effective unless the Court approves it.  
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5 In accordance with the Court's guidance regarding stipulations for extensions  
6 of time, the parties declare that no previous continuance requests have been made,  
7 and in support thereof, make the following declaration of good cause.  
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9 Detailed Factual Showing of Good Cause and Due Diligence for the Extension

10 Plaintiff filed a Complaint on October 3, 2024 alleging that Defendants made  
11 telemarketing calls to numbers on the National Do Not Call Registry in violation of  
12 the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), including her  
13 own. Due to the alleged *en masse* nature of the calling, the Plaintiff has filed this  
14 matter as a putative class action on behalf of a putative class of individuals.  
15

16 In a Memorandum filed in support of a Motion to Dismiss filed under Fed.  
17 R. Civ. P. 12(b)(6) on December 24, 2024 (Dkt. 20), the Defendants denied  
18 placing the calls to Plaintiff or, for that matter, engaging in telemarketing of any  
19 kind. The Court issued a text only Order dated January 29, 2025 stating the motion  
20 would be taken under submission and instructed the parties to “continue litigating  
21 this action diligently, while awaiting the court's ruling on this motion.” (Dkt. 29.)  
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24 Plaintiff promptly issued discovery beginning in January of 2025 to non-  
25 parties to trace the history of the calls at issue in addition to making discovery  
26 requests to Defendants. Namely, Plaintiff issued four subpoenas on January 24,  
27 28

1 2025 to: (i) Bandwidth Inc.; (ii) Onvoy, LLC d/b/a Inteliquent (c/o: Cogency  
2 Global Inc.); (iii) T-MOBILE US, INC.; and (iv) Twilio, Inc.

3 Plaintiff also issued subpoenas to Sipnex Telecom LLC on January 30, 2025  
4 and Fully Closed, Inc. and Emmanuel Alonzo on January 31, 2025. More recently,  
5 Plaintiff issued a subpoena to Convoso, Inc. on April 1, 2025.  
6

7 Plaintiff also propounded two sets of requests for document production and  
8 interrogatories to Current Energy LLC and Kevin Adams focused on the history of  
9 the calling and their potential involvement with telemarketing. The Defendants  
10 formally responded to those requests on April 18, 2025 and May 5, 2025.  
11 Defendants are in the process of gathering additional responsive documents but  
12 have informed Plaintiff's counsel they have no agreements with any telemarketing  
13 vendors or Mr. Alonzo. These discovery efforts have led Plaintiff to believe there  
14 may be other entities which may be directly or vicariously liable for the conduct  
15 alleged, but the process of investigation is not yet complete so as to permit  
16 amendment by the May 16 deadline.  
17

18 The Defendants have attested that the full extent of their knowledge of the  
19 genesis of the contact with Ms. Abitbol is that Kevin Adams received a "lead" for  
20 her from another individual, Emmanuel Alonzo. The Defendants have attested that  
21 they have no knowledge of the means by which Mr. Alonzo secured that "lead"  
22 and they did not have an agreement with Mr. Alonzo or any organization with  
23

1 which he is affiliated to perform telemarketing. Plaintiff believes that Mr. Alonzo  
2 may have contracted with other entities to send the calls at issue. However, Mr.  
3 Alonzo has been unable to be served with a subpoena in this matter, and the parties  
4 are still investigating the background of the contact with Ms. Abitbol, which  
5 currently remains unclear. The Plaintiff is further in the process of conducting a  
6 meet and confer with Convoso, one of the telephony service providers at issue, to  
7 ascertain if Mr. Alonzo has directly contracted with Convoso or if he hired yet  
8 another third party, who in turn contracted with Convoso for telephone services  
9 used to place the calls at issue.

10       The parties are also currently awaiting the production of responsive  
11 documents, including from Mr. Alonzo (once he is served), as well as Convoso and  
12 other telephony providers. Once those responsive documents are received and  
13 evaluated, the Plaintiff will be in a better position to conduct further discovery  
14 and/or amend the complaint to name the parties which may have been responsible  
15 for the conduct alleged.

16       In addition, Defendants acknowledge that their responses to discovery were  
17 significantly delayed because undersigned counsel John Fitzpatrick was attending  
18 to personal family matters that he shared with Plaintiff's counsel. Plaintiff's  
19 counsel appreciated the seriousness of the issues and respectfully refrained from  
20 bringing a motion to compel compliance with certain discovery requests. Mr.  
21

1 Fitzpatrick appreciated that accommodation. The Defendants have exhausted their  
2 knowledge of how Ms. Abitbol came to be contacted and submit that any further  
3 information on that subject will need to come from persons or entities that are not  
4 named as defendants.

5 The parties also agree that the date for hearing of a class certification motion  
6 should also be extended. The particulars of how the Plaintiff came to be contacted  
7 will be critical to any class certification analysis and, relatedly, whether the  
8 Defendants currently named are directly or vicariously liable for the calling  
9 conduct at issue. The potential liability of any entities which may be identified  
10 through additional discovery and added to any amended complaint will require  
11 additional time to analyze. The current deadline of class certification would  
12 provide only two months to conduct discovery into the class claims with respect to  
13 any entity the Plaintiff may name, and as such the parties jointly request an  
14 extension of that deadline as well.

15 As such, the parties believe that good cause exists to extend the amendment  
16 and class certification deadlines as follows while they await receipt of the  
17 subpoena responses from Convoso, Mr. Alonzo, and any other entities that may be  
18 identified in discovery to evaluate any amended pleadings or further discovery that  
19 may be necessary following that production:

<u>Deadline</u>	<u>Current Date</u>	<u>New Proposed Date</u>

1	Last Date to Hear Motion to Amend Pleadings /Add Parties [Friday]	5/16/2025	9/12/2025
2	Last Date to Hear Motion for Class Certification [Friday]	11/28/2025	3/27/2026

4 This schedule will allow any named defendants to participate in a ADR proceeding  
5  
6 the parties much complete no later than September 24, 2025. (Dkt. 33.)

7 There have not been any previous requests for extensions or continuation of  
8 the pretrial dates in the February 3, 2025 Order (Dkt. 34) and Plaintiff has made a  
9 diligent effort to identify the genesis of the calls at issue and the potential callers.  
10 Accordingly, the parties respectfully submit this Stipulation for the Court to  
11  
12 approve.

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15 Dated: May 14, 2025.  
16

17 Respectfully submitted,  
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19 By:  
20

21 /s/ Andrew Roman Perrong  
22

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2 /s/ John D. Fitzpatrick  
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18 Attorneys for Defendants  
19 CURRENT ENERGY LLC  
20 and KEVIN ADAMS  
21  
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**ATTESTATION OF SIGNATURE**

23 Pursuant to Central District Local Rule 5-4.3.4(a)(2)(i), I hereby certify that  
24 the content of this document is acceptable to counsel for Defendants, and I obtained  
25 their authorization to affix their electronic signatures to this document.  
26  
27

28 Dated: May 14, 2025

29 /s/ Andrew Roman Perrong  
30 Andrew Roman Perrong, Esq.  
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3 **CERTIFICATE OF SERVICE**  
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6 I hereby certify that, on May 14, 2025, I caused the foregoing to be  
7 electronically filed with the Clerk using the CM/ECF system, which will send  
8 notification of such filing to all counsel of record.  
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11 /s/ Andrew R. Perrong  
12 Andrew R. Perrong  
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